

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.27 OF 2004.

Aba Yeshwant Kshirsagar. ... Appellant.
Versus.
Dattatraya Ramchandra Kshirsagar. ... Respondent.

Shri S.P.Thorat for the Appellant.
Shri Dilip Bodake for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : 4th May, 2006.

P.C.:

1. Heard Shri Thorat for the Appellant. The Appeal is by the original Defendant. The trial Court has dismissed the suit filed by the original Plaintiff. The Appellate Court has interfered and passed a decree for perpetual injunction in favour of the Respondent/Plaintiff.

2. After having heard the learned Advocates appearing for the parties, I find that no substantial question of law arises in the Appeal. The Appellate Court has held that the Appellant/Defendant is not claiming any title or ownership in respect of the suit land bearing Gat No.142 and GatNo.141/1. On the basis of the certified copies of 7x12 extracts which are on record, the Appellate Court has recorded a finding that the Respondent/Plaintiff was in possession of the suit property. There is no reason to interfere with the said finding of fact recorded by the Appellate Court. Second Appeal is dismissed.

Judge.